

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

**JERRY ALEXANDER MENCHU,**

No. 3:20-cv-00559-AR

Plaintiff,

OPINION AND ORDER

v.

**MULTNOMAH COUNTY HEALTH  
DEPARTMENT,**

Defendant.

**BAGGIO, J.,**

On August 16, 2024, Magistrate Judge Jeff Armistead issued his Findings and Recommendation (“F&R”) [ECF 104], recommending that this Court grant Defendant’s Motion for Summary Judgment [ECF 80]. Plaintiff objected [ECF 107] and Defendant responded [ECF 108]. This Court ADOPTS Judge Armistead’s F&R [104].

**DISCUSSION**

The magistrate judge makes only recommendations to the court, to which any party may file written objections. 28 U.S.C. § 636(b)(1)(B). If a party objects, the court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendation to which objection is made.” *Id.* § 636(b)(1)(C). The court is not, however,

required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023). While the level of scrutiny that the court applies to its F&R review depends on whether a party has filed objections, the court is free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C); *see also Thomas*, 474 U.S. at 154.

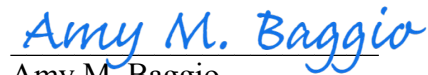
The Court has carefully considered Plaintiff's objections and concludes that there is no basis to modify the F&R. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's F&R.

### CONCLUSION

The Court ADOPTS Judge Armistead's Findings and Recommendation [104]. Therefore, Defendant's Motion for Summary Judgment [80] is GRANTED. This case is DISMISSED with prejudice.

IT IS SO ORDERED.

DATED this 18th day of September, 2024.

  
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Amy M. Baggio  
United States District Judge